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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CG3 MEDIA, LLC and COREY
GRIFFIN,

Plaintiffs / Counter-Defendants,

-v-

BELLEAU TECHNOLOGIES, LLC,

Defendant / Counter-Plaintiff.

Civil Action No. 1:21-cv-04607-MKV

REDACTED COPY

DECLARATION OF JEREMY SADKIN

INTRODUCTION

1. My name is Jeremy Sadkin. I am an attorney duly admitted to practice law in the State of New York. I am manager and counsel for Counter-Plaintiff Belleau Technologies, LLC (“Belleau”). Unless otherwise specified, I have personal knowledge of the facts and circumstances described herein and am prepared to testify competently about these statements at trial.

2. I have been associated with Belleau since at least 2014 and have held the position of manager since early 2020. I have also held titles such as “Chief Operating Officer” and “In-House Counsel”, the duties of which are currently subsumed by my role as manager.

THE '646 PATENT

3. Belleau is the owner by assignment of U.S. Patent No. 9,953,646 (the ‘646 Patent) “Method and System for Dynamic Speech Recognition and Tracking of Prewritten Script.”

4. The applications that issued as the ‘646 Patent were filed based on work performed by the ‘646 Patent’s named inventors in approximately 2014.

5. The ‘646 Patent is directed to among, other things, a “voice tracking” feature that allows a teleprompter to move responsively to the rate at which a user is speaking.

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6. The technology of the '646 Patent is embodied in Belleau's PromptSmart voice controlled teleprompter application.

BELLEAU'S PATENTED PROMPTSMART APPLICATION

7. Belleau is currently the market leader in mobile teleprompter software due to its implementation of the '646 Patent's voice tracking in Belleau's "PromptSmart" product. PromptSmart adjusts the position of a teleprompter text display by using speech recognition to enable the teleprompter to move at the speed of a user's speech.

8. Belleau's customers include among others, politicians, educators, professional speakers, persons involved in television and movie production, and other professionals that utilize teleprompters as part of their professions or businesses.

9. PromptSmart was developed in approximately 2014, with its first commercial release in late 2014.

10. Since its first release in 2014, Belleau has emphasized PromptSmart's voice scrolling feature as the key differentiator that makes PromptSmart superior to other teleprompter apps.

11. Belleau's past and current advertising has emphasized the patented nature of its voice scrolling features.

12. For example, attached as Exhibit A, is a PDF excerpt of the www.promptsmart.com web page. The first identified feature is the "Patented VoiceTrack Technology." Belleau, among other things, sells subscriptions to its services through the www.promptsmart.com web site.

13. As another example, attached as Exhibit B is a 2015 press release, Bates numbered BELLEAU-00014157-59, announcing an update to PromptSmart. The press release notes "Eight months ago, we launched the first voice recognition-enabled teleprompter app

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called PromptSmart. We recognized that speakers would best be served by a teleprompter that followed a speaker's lead and so we developed proprietary voice recognition technology, VoiceTrack™, to do just that.”

14. As part of my role as manager of PromptSmart I regularly interact with customers, providing them with support, and receiving their feedback. Customers regularly praise PromptSmart’s voice scrolling feature and identify it as a key differentiating feature that makes PromptSmart superior to other teleprompter solutions.

15. For example, the www.promptsmart.com web page quotes user reviews that identify the voice tracking as a key differentiating feature that makes PromptSmart a superior product. Ex. A at 6.

16. As another example, attached as Exhibit C are a set of screen captures Bates numbered BELLEAU-00014812-23. This exhibit is a Facebook thread discussing a PromptSmart promotional offer. Several posters praise its voice tracking feature, with one describing PromptSmart as a “unique tool with patented tech.” (BELLEAU-00014823) and another describing PromptSmart as the “gen2 of teleprompters” (BELLEAU-00014821).

17. As a way of monitoring the health of Belleau’s software assets, I conduct regular searches of the Apple iOS App Store for “teleprompter” to ensure that PromptSmart Pro remains as the first result of this search. The “Pro” version of PromptSmart is typically the number one result. Within the United States, PromptSmart benefits from having more customer reviews and higher quality customer reviews and ratings than competing teleprompter products.

18. In addition, in the Apple iOS App Store, PromptSmart is more frequently rated and more highly rated than non-voice teleprompters. The customer reviews for PromptSmart on and off the App Store frequently describe Belleau’s voice tracking technology as the feature that

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makes their work more efficient. Reviewers have described PromptSmart's voice tracking feature as a "game changer" when compared to those applications that were previously available.

19. For example, attached as Exhibit D is a marketing document Bates numbered BELLEAU-00014195. The document quotes numerous reviews praising the voice tracking features of PromptSmart, describing it as an "almost magical app" and stating that PromptSmart "transformed the way we shoot videos."

20. Attached as Exhibit E is an email from a customer named [REDACTED], Bates numbered BELLEAU-0014364-65. [REDACTED] describes PromptSmart as a "game changer" and references the YouTube review that he created for PromptSmart (BELLEAU-0014364).

21. PromptSmart is also regularly ranked in the "Top 10" video apps for iPad in the Apple App Store in the United States storefront.

22. During 2022 PromptSmart surpassed 1,000,000 downloads across the different platforms on which it is available. This benchmark is sometimes referred to as "going platinum."

23. Unlike competing teleprompters without voice tracking functionality, Belleau's paid customers utilize a subscription model where customers pay ongoing monthly or yearly fees to utilize PromptSmart. From my interactions with customers, I believe that Belleau is able to successfully market such a payment model to customers because of PromptSmart's distinct voice-tracking functionality.

24. [REDACTED]

[REDACTED]

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

[illegible]

25.

26. Attached as Exhibit F is a document Bates numbered BELLEAU-00014721. This document is a screenshot of an account listing from a PromptSmart user database. The exhibit indicates that a user with the email address iamcoreyg@gmail.com created a PromptSmart account on January 9, 2019. The purpose of having an account for PromptSmart is to use the PromptSmart application. The address “iamcoreyg@gmail.com” is the email address of Corey

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Griffin. It is my understanding from this information, and from Griffin's statements to me personally, that Mr. Griffin used PromptSmart in early 2019.

27. It is my understanding that Mr. Griffin and his company CG3 Media, LLC, market and sell Speakflow, a competing teleprompter application which also includes voice tracking capabilities.

28. It is my habit to frequently monitor reviews and customer commentary on PromptSmart. During the time since Speakflow has been released, reviewers and commenters who previously recommended PromptSmart, now recommend Speakflow, with or instead of PromptSmart.

29. For example, attached as Exhibits G and H are respectively twitter postings or "tweets" from 2015 (Bates numbered BELLEAU-00014854) and 2018 (Bates numbered BELLEAU-00014855). These tweets by Tony Vincent, a professional educator and speaker, praise PromptSmart. Attached as Exhibit I is a December 15, 2021 tweet by Mr. Vincent (Bates numbered BELLEAU-00014856) recommending Speakflow in response to a request for a teleprompter application.

30. Attached as Exhibit J is a tweet Bates numbered BELLEAU-00014853 by Linus Boman. In the tweet Mr. Boman suggests PromptSmart or Speakflow as alternatives to customers. This posting is consistent with my understanding that since 2021 customers view Speakflow and PromptSmart as direct competitors.

31. Since Speakflow was released, multiple customers have notified me that they are switching to Speakflow.

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32. For example, attached as Exhibit K is an email exchange Bates-numbered BELLEAU-0014850-52 with a customer that advised me that she had switched from PromptSmart to Speakflow.

33. Web searches that I have conducted for voice tracking teleprompters now produce among their results, advertised results for Speakflow. These results lead to the www.speakflow.com website, from which users can purchase subscriptions of Speakflow.

34. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

37. In approximately April 2021, it came to my attention that Corey Griffin, and his company CG3 Media, LLC, had released and was selling Speakflow.

38. I contacted Mr. Griffin by email on April 5, 2021 to discuss his product and emailed him several additional times.

39. Attached as Exhibit L is document Bates numbered BELLEAU-00014718-20 showing emails exchanged between myself and Mr. Griffin.

40. Attached as Exhibit M is a letter Bates numbered BELLEAU-00014189-92 and dated April 27, 2021 that I sent to Corey Griffin alleging infringement of the '646 Patent by Speakflow.

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41. Mr. Griffin contacted me on May 14, 2021 by email and stated that he needed additional time to discuss the issues in my April 27, 2021 letter with his lawyer. This email, Bates numbered BELLEAU-00014307, is attached as Exhibit N.

42. After his May 14, 2021 email, the next communication I received regarding this matter was a May 21 email from Anya Engel, notifying me that this suit had been filed.

43. Ms. Engel's email also included a letter as an attachment, which I have attached as Exhibit O, with Bates numbers BELLEAU-00014826-28. This letter purports to offer CG3 Media, LLC's non-infringement position.

44. I hereby declare under penalty of perjury that the foregoing is true and correct.

DATED: November 14, 2022
New York, New York



Jeremy Sadkin